

Exhibit B

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BMW of North America, LLC

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOON BANG, RAZVAN VICTOR	:	Civil Action No. 2:15-cv-6945
BENGULESCU, GERALD BEZEMS, SCOTT	:	(MCA)(SCM)
CROCKETT, RIFAT GORENER,	:	
CHRISTOPHER LESIEUR, LAWRENCE	:	
MARCUS, and MIKHAIL SULEYMANOV,	:	
individually and on behalf of all others	:	BMW OF NORTH AMERICA, LLC'S
similarly situated,	:	ANSWERS TO PLAINTIFF'S FIRST
	:	SET OF INTERROGATORIES
Plaintiff,	:	
	:	
v.	:	
	:	
BMW OF NORTH AMERICA, LLC,	:	
BAVARIAN MOTOR WORKS, and DOES 1	:	
through 10, inclusive,	:	
	:	
Defendants.	:	

TO: Matthew D. Schelkopf
Joseph G. Sauder
McCune Wright Arevalo, LLP
555 Lancaster Avenue
Berwyn, Pennsylvania 19312
Attorneys for Plaintiffs

COUNSEL:

Defendant, BMW of North America, LLC ("BMW NA"), hereby responds to
Plaintiffs' First Set of Interrogatories.

BMW NA has not completed either its discovery in this action or its preparation for
trial. Therefore, the information set forth below reflects BMW NA's best present knowledge

based upon review and investigation to date. Furthermore, BMW NA anticipates that future discovery, independent investigation, legal research, and analysis will support additional facts and add meaning to well-known facts as well as establish new factual conclusions and legal contentions, all of which may lead to substantial additions, changes, and variations from the contentions and responses set forth herein.

BMW NA further reserves the right to amend or supplement these answers or objections as may be necessary or appropriate in the future or as the discovery of additional or further information may warrant.



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Attorneys for Defendant,
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Dated: April 26, 2017

OBJECTIONS

1. BMW NA objects to the use of “BMW NA” and “you” and “your,” insofar as they attempt to encompass entities other than BMW NA.
2. BMW NA objects to these requests to the extent that they require or request BMW NA to create documents solely for the purpose of responding to the request.
3. BMW NA objects to these requests to the extent they seek production of information and materials in a form, manner, or scope beyond that required by the Federal Rules of Civil Procedure or as otherwise agreed by the Parties.
4. BMW NA objects to each request to the extent that it calls for information that is not proportional to the needs of this case, would impose upon it a vexatious and undue burden, making the request oppressive and/or intended to harass BMW NA.
5. BMW NA objects to each request to the extent it is vague, ambiguous, or otherwise lacks sufficient precision to permit a response.
6. BMW NA objects to each request to the extent it seeks material or information prepared by or developed at the direction of counsel and protected and privileged as work-product.
7. BMW NA objects to each request to the extent it seeks information irrelevant to issues in this case and not reasonably calculated to lead to the discovery of admissible evidence.
8. BMW NA objects to each request to the extent it seeks information subject to the attorney-client privilege, work-product doctrine or other privilege.
9. BMW NA objects to each request to the extent it requests information which is in the possession of entities and/or persons over whom BMW NA has no control.
10. BMW NA objects to each request to the extent it seeks disclosure of information already known or available to plaintiff or documentation in plaintiff’s possession which may be obtained more readily by plaintiff and without subjecting BMW NA to unreasonable burden and expense.
11. BMW NA objects to each request to the extent it seeks information that is confidential, trade-secret, subject to employees’ and/or owners’/lessees’ privacy rights, or otherwise proprietary in nature, the disclosure of which would or could be harmful and/or in violation of applicable law.

Insofar as any request seeks information falling within the scope of the foregoing General Objections, it is noted below.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1

State, on a state by state basis, the total number of CLASS VEHICLES sold (or leased) in the United States directly by or through authorized dealers.

Response:

BMW NA objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome. BMW NA further objects to this Interrogatory on the grounds that it does not sell Class Vehicles to consumers.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production.

INTERROGATORY NO. 2

IDENTIFY each CLASS VEHICLE sold (or leased) in the United States directly by or through authorized dealers.

Response:

BMW NA objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome. BMW NA further objects to this Interrogatory on the grounds that it does not

sell Class Vehicles to consumers.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see BMW NA's Response to Interrogatory No. 1.

INTERROGATORY NO. 3

IDENTIFY the name(s) of all databases, the format in which such data is kept, and the location(s) where BMW stores the following data:

- Complaints from customers concerning the CLASS VEHICLES;
- Communications with customers concerning the CLASS VEHICLES;
- Warranty claims concerning the CLASS VEHICLES;
- Communications with dealers concerning warranty claims relating to CLASS VEHICLES;
- Communications with dealers concerning technical service bulletins or customer
- Satisfaction programs relating to CLASS VEHICLES;
- Internal documents, memoranda, and communications relating to any investigation by BMW into the suspected or actual root causes of elevated oil consumption in CLASS VEHICLES;
- internal DOCUMENTS, memoranda, and communications relating to any investigation by BMW into the suspected or actual root causes of battery drain and/or battery replacement in CLASS VEHICLES.

Response:

BMW NA objects that the Request is overbroad and unduly burdensome and that,

even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to the undefined term “location” on the grounds that it makes this Interrogatory ambiguous, overbroad, and unduly burdensome.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs’ First Set of Requests for Production. Moreover, BMW NA will produce responsive documents in accordance with the Electronically Stored Information Protocol entered into between the parties.

INTERROGATORY NO. 4

For any suspected or actual condition, issue, problem, or defect that may cause elevated engine oil consumption in CLASS VEHICLES, state the ROOT CAUSE(S) and/or PROBABLE ROOT CAUSE(S), and the date and manner in which BMW reached any conclusions about such ROOT CAUSE(S) and/or PROBABLE ROOT CAUSE(S).

Response:

BMW NA objects to the undefined terms “condition,” “issue,” and “defect” on the grounds that they make this Interrogatory ambiguous, overbroad, and unduly burdensome.

BMW NA objects that the Request is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA’s possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or

any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production.

INTERROGATORY NO. 5

For any suspected or actual condition, issue, problem, or defect that may cause battery drain and/or premature battery replacement in CLASS VEHICLES, state the ROOT CAUSE(S) and/or PROBABLE ROOT CAUSE(S), and the date and manner in which BMW reached any conclusions about such ROOT CAUSE(S) and/or PROBABLE ROOT CAUSE(S).

Response:

BMW NA objects to the undefined terms "condition," "issue," and "defect" on the grounds that they make this Interrogatory ambiguous, overbroad, and unduly burdensome.

BMW NA objects that the Request is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or

any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production.

INTERROGATORY NO. 6

For any suspected or actual condition, issue, problem, or defect that may cause elevated engine oil consumption in CLASS VEHICLES, state all ways in which BMW communicated its existence to purchasers, lessees, or dealers of CLASS VEHICLES.

Response:

BMW NA objects to the undefined terms "condition," "issue," and "defect" on the grounds that they make this Interrogatory ambiguous, overbroad, and unduly burdensome.

BMW NA objects that the Request is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would

require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production.

INTERROGATORY NO. 7

For any suspected or actual condition, issue, problem, or defect that may cause battery drain and/or premature battery replacement in CLASS VEHICLES, state all ways in which BMW communicated its existence to purchasers, lessees, or dealers of CLASS VEHICLES.

Response:

BMW NA objects to the undefined terms "condition," "issue," and "defect" on the grounds that they make this Interrogatory ambiguous, overbroad, and unduly burdensome.

BMW NA objects that the Request is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and

on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production.

INTERROGATORY NO. 8

For any suspected or actual condition, issue, problem, or defect that may cause elevated engine oil consumption in CLASS VEHICLES, state all CORRECTIVE ACTION, PREVENTATIVE ACTION, and/or REMEDIAL ACTION conceived or implemented by BMW.

Response:

BMW NA objects to the undefined terms "condition," "issue," and "defect" on the grounds that they make this Interrogatory ambiguous, overbroad, and unduly burdensome.

BMW NA objects that the Request is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers

under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production, including BMWNA BANG 001553 through 001569.

INTERROGATORY NO. 9

For any suspected or actual condition, issue, problem, or defect that may cause battery drain and/or premature battery replacement in CLASS VEHICLES, state all CORRECTIVE ACTION, PREVENTATIVE ACTION, and/or REMEDIAL ACTION conceived or implemented by BMW.

Response:

BMW NA objects to the undefined terms "condition," "issue," and "defect" on the grounds that they make this Interrogatory ambiguous, overbroad, and unduly burdensome.

BMW NA objects that the Request is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case.

BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, see documents produced in response to Plaintiffs' First Set of Requests for Production, including BMWNA BANG 001553 through 001569.

INTERROGATORY NO. 10

For each team, group, or task force that has investigated possible elevated engine oil consumption in CLASS VEHICLES, state the time period during which the investigation or analysis took place, and IDENTIFY the PERSON in charge of such investigation.

Response:

BMW NA objects that this Interrogatory is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case. BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, BMW NA refers Plaintiffs to its Rule 26 Disclosures. Otherwise, to be supplied, if available.

INTERROGATORY NO. 11

For each team, group, or task force that has investigated battery drain and/or premature battery replacement in CLASS VEHICLES, state the time period during which the investigation or analysis took place, and IDENTIFY the person in charge of such investigation.

Response:

BMW NA objects that this Interrogatory is overbroad and unduly burdensome and that, even if it sought relevant evidence, the burden that gathering the information would place on BMW NA is out of proportion with the needs of the case. BMW NA objects to this Interrogatory to the extent it requires BMW NA to respond on behalf of another entity or entities and to the extent it seeks information not within BMW NA's possession, custody, or control; BMW NA responds to this Request only on its behalf.

BMW NA objects to this Interrogatory as improper to the extent it could be construed to seek information covered by the attorney-client privilege, the work-product doctrine, or any other judicially recognized privilege, protection or right of confidentiality.

BMW NA objects to this Interrogatory to the extent it seeks information that would require BMW NA to disclose trade-secret, proprietary, and/or confidential information, and on the grounds that it seeks information that would violate the privacy rights of consumers under state and federal law.

Subject to and without waiving the foregoing objections, and insofar as it understands this request, BMW NA refers Plaintiffs to its Rule 26 Disclosures. Otherwise, to be supplied, if available.